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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,938

07/18/2003

David L. Oswald

23-0070 (31015)

3467

40158

7590

06/22/2009

WOODS FULLER SHULTZ & SMITH P.C.

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SIOUX FALLS, SD 57117

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

06/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/622,938

Applicant(s)

OSWALD, DAVID L.

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-12 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-23 is/are allowed.
- 6) ☒ Claim(s) 4-7, 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's amendment received on March 10, 2009 has been fully considered and entered, but the arguments are not deemed to be persuasive.

Remarks

The applicant amended the application in order to overcome the prior art of record. The applicant's claims call for a well known and conventional system. A potential improvement over the prior art could be identified, however, there is no way for the skilled artisan to appreciate any improvement sought after if the claims reflect a conventional system.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton Jr. (US Patent no. 5923361) in view of applicant's admitted prior art.

Regarding claim 7, Sutton discloses in fig. 1 a remote video computer monitoring system for use with conventional computing systems, comprising a video tap assembly for tapping a video signal routed from a video output of a conventional computer to a monitor (See fig. 1, item 66), said video tap assembly splitting off a portion of the video signal while allowing a second portion of the video signal to pass through to the monitor (See fig. 1, splitter 28); a transmitter assembly operationally coupled to said video tap assembly, said transmitter assembly propagating said portion of the video signal as a propagated signal (See fig. 1, transmitter 61) ; and a monitoring assembly for receiving said propagated signal and presenting a visual representation of the video signal to a user (See fig. 1, monitor 20, 22,24, and 26).

It is noted that Sutton Jr. is silent about the additional limitations wherein the monitoring further comprises a receiver assembly, a demodulator and a video output as specified in the claim.

However, the applicant's own claim notes that such system is rather conventional and has been used in conventional computing (See applicant own claim 7, lines 2 and 5).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Sutton's computer monitoring system by incorporating the industry well know and commonly used steps to provide a video output to a conventional computer monitor for the purpose of representing visual representation of the video signal to a user.

As per claims 4-6 and 10-12, most of the limitations of these claims have been noted in the above rejection of claim 7.

It is noted that while Sutton does not particularly disclose the additional limitations as specified in the claims the applicant admits that such system is rather conventional and has been used in conventional computing (See applicant own claim 7, lines 2 and 5).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Sutton's computer monitoring system by incorporating the industry well know and commonly used steps to provide a video output to a conventional computer monitor for the purpose of representing visual representation of the video signal to a user.

The applicant should note that while claims 4-6 are not dependent upon claim 7, the same rationale is applied to the reject these claims since claims 4-6 call for the system as specified in conventional

Claims 2-3, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 16-23 are allowed.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

/G. S. P./
/Gims S Philippe/
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